

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BLACK LIVES MATTER SEATTLE-KING
COUNTY, ABIE EKENEZAR, SHARON
SAKAMOTO, MURACO KYASHNA-
TOCHA, ALEXANDER WOLDEAB,
NATHALIE GRAHAM, and ALEXANDRA
CHEN,

Plaintiffs,

v.

CITY OF SEATTLE,

Defendant.

NO. 2:20-cv-00887

DECLARATION OF DAVID PUENTE

I, DAVID PUENTE, hereby declare as follows:

1. I am over the age of 18 years old and am a citizen of the United States. I have personal knowledge of the facts set forth herein and am competent to testify to them at trial.

2. I am a Detective with the Seattle Police Department. At approximately 3:00 pm on Friday, June 12, 2020, I sent the following email to all Seattle Police Department officers via the

DECLARATION OF DAVID PUENTE - 1

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SEATTLE, WA 98109
206-957-9669

Department's email system. While the email shows it was sent to "SPD_aprs," I also blind-copied the SPDALL group, which sent it to all Seattle Police officers.

Temporary injunction on chemical irritants and projectiles during protests or demonstrations



Puente, David

To SPD_aprs

Bcc SPDALL

Retention Policy 7 yr (7 years)

Expires 6/11/2027



Fri 6/12/2020 3:03 PM

By the order of the Chief, all SPD personnel are required to read and abide by the following:

ORDER granting in part Plaintiffs' [6] Motion for Temporary Restraining Order. The Court temporarily ENJOINS The City of Seattle, including the Seattle Police Department and any other officers, departments, agencies, or organizations under the Seattle Police Department's control (collectively, the City), is hereby enjoined from employing chemical irritants or projectiles of any kind against persons peacefully engaging in protests or demonstrations. This injunction includes: (1) any chemical irritant such as and including CS Gas (tear gas) and OC spray (pepper spray) and (2) any projectile such as and including flash-bang grenades, pepper balls, blast balls, rubber bullets, and foam-tip projectiles. This Order does not preclude individual officers from taking necessary, reasonable, proportional, and targeted action to protect against a specific imminent threat of physical harm to themselves or identifiable others or to respond to specific acts of violence or destruction of property. Further, tear gas may be used only if (a) efforts to subdue a threat by using alternative crowd measures, including pepper spray, as permitted by this paragraph, have been exhausted and ineffective and (b) SPD's Chief of Police has determined that use of tear gas is the only reasonable alternative available. The Chief of Police may only authorize limited and targeted use of tear gas and must direct it to those causing violent or potentially life-threatening activity. To the extent that chemical irritants or projectiles are used in accordance with this paragraph, they shall not be deployed indiscriminately into a crowd and to the extent reasonably possible, they should be targeted at the specific imminent threat of physical harm to themselves or identifiable others or to respond to specific acts of violence or destruction of property. (2) In the event that Plaintiffs seek relief for an alleged violation of this Order, the City must respond to the motion for relief within 24 hours. (3) Because this is a non-commercial case, the balance of hardships favors Plaintiffs, and there is no realistic likelihood of harm to the City of Seattle from enjoining its conduct, the Court waives the security bond requirement. (4) This Order will expire fourteen days after entry unless extended by the Court for good cause. Fed. R. Civ. P. 65(b)(2). Signed by Judge Richard A. Jones. (PM)

I declare under penalty of perjury under the law of the United States that the foregoing is true and correct.

SIGNED in Seattle, Washington this 29th day of July, 2020.

DAVID PUENTE

DECLARATION OF DAVID PUENTE - 2

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